

STATE OF MONTANA MONTANA DEPARTMENT OF TRANSPORTATION JOB PROFILE

	Update
~	Formal Review

Date Submitted: 12/20/2011

SECTION I - Identification	
Working Title: Paralegal / Legal Assistant	Department: Transportation
Job Code Number: 232115	Division & Bureau: Director's Office
Job Code Title: Paralegal	Section & Unit: Legal Services
Pay Band:	Work Address: 2701 Prospect Ave, Helena, MT
Position Number: 12002	Phone: (406) 444-6090
FLSA Exempt FLSA Non-Exempt	Non-Union MPEA Blue Collar
Profile Completed By: Renée D. Wuertley	Work Phone: (406) 444-9455

Work Unit Mission Statement or Functional Description:

The Legal Services unit is responsible for representing the Department in litigation in trial and appellate courts and before administrative law judges. A large percentage of the litigation consists of trial work relative to condemnation, contract claims, outdoor advertising control, rail and transit, motor fuel tax, accounts receivable and human resources matters. The Legal Services unit provides the Department with verbal and written legal advice, assistance, and memoranda on a day-to-day basis, and bill drafting and testimony at legislative hearings

Describe the Job's Overall Purpose:

This position performs paralegal assistant functions for the agency in the areas of legal research, discovery, investigation, legislative bill drafting, administrative rule preparation, data analysis and preparation of evidence for presentation to other counsel and triers of fact. The

position reports to the Chief Counsel (#12001) and does not directly supervise other agency personnel.

SECTION II - Major Duties or Responsibilities

This section should be a clear concise statement of the position's major duties and the approximate percent of work time for each duty

% of Time

A. LEGAL RESEARCH AND INVESTIGATION

60%

This position provides specialized legal research, investigation, and litigation assistance to the Legal Services Unit to ensure the legal functions and activities of the agency are conducted accurately, efficiently, and effectively. This involves researching legal issues; developing and coordinating investigation strategies; interviewing case participants; trial preparation; drafting pleadings and other legal documents.

- 1. Develops and coordinates an investigation strategy relevant to each given case, determines facts and particular investigation methods and procedures. This involves working with staff attorneys, locating evidence, documents, and witnesses (using telephone directories, Internet, personal contacts, and reviewing public documents), and writing an investigative report that summarizes the evidence gathered to assist staff attorneys in case evaluation, pretrial preparation, and evidence presentation at trial.
- Interviews clients and witnesses. Prepares indices of witnesses and accurate summaries of facts known by each witness, by taking sworn or unsworn statements, investigating fact situations, and writing factual chronology to provide precise trial documentation to attorneys.
- 3. Analyzes documents, data and evidence. Organizes, labels, and indexes exhibits for ease of recovery and presentation. Tracks production of exhibits. Assists in preparation of discovery requests.
- 4. Reviews, analyzes and organizes information gathered from depositions and discovery responses. Notes discovery response insufficiencies, drafts correspondence to cure and motions to compel and for filing of discovery. Schedules witnesses for trials, issuing and causing service of subpoenas.
- 5. Identifies, collects and organizes for future retrieval appropriate exhibits, witness statements and other evidence required to implement case strategies. Assists in preparation for case presentation by checking opposing parties' cited authorities for accuracy and conducts jury surveys.
- 6. Drafts pleadings, discovery requests and responses, legal memoranda, interoffice memoranda, and letters. Responsible for reviewing documents such as judge's orders to determine the appropriate response and deadlines.
- 7. Locate case materials using electronic databases.
- 8. Maintains witness contact information. Arranges for payment of witness fees.

B. <u>BILL DRAFTING AND ADMINISTRATIVE RULE PREPARATION</u>

25%

This position performs bill drafting and administrative rule preparation functions to ensure the Department is complying with federal and state law and agency policies and procedures. This involves drafting recommended agency legislation and accompanying fiscal notes, monitoring legislation that impacts the agency, researching session activities and writing a final status report, providing technical assistance in preparing administrative rules, and serving as the agency contact point to the Secretary of State regarding the posting of proposed administrative rule notices and adoptions.

- 1. Drafts agency legislation to reflect necessary changes in the Department's statutory responsibilities. This involves interpreting complex legal and statutory constructs and researching and organizing the appropriate statutory references.
- 2. Prepares fiscal notes for review by chief counsel at the request of the Administration Division by contacting affected divisions and gathering financial cost information to ensure the fiscal note represents an accurate description of the cost the proposed legislation has on the agency.
- 3. Monitors legislation affecting the Department by developing and maintaining a bill-tracking system during legislative sessions. This involves checking the status of bills and regularly updating the system by accessing electronic and manual systems to provide timely reports to appropriate agency personnel.
- 4. Collects legislative session actions and writes a final status report of bills affecting the Department for management's use at the conclusion of the legislative session. This involves preparing a report to Department specifications that outlines bill effective dates, final budget allocations, and impacts to existing agency responsibilities to ensure that agency personnel are aware of any changes in their duties.
- 5. Provides technical assistance in the writing and preparation of administrative rule material. This involves interviewing affected agency personnel to gather insights into proper policy implementation, analyzing the information to determine possible conflicts, and making a determination to ensure the draft rules comply with federal and state law and existing Department policies and procedures.
- 6. Serves as the agency's contact to the Secretary of State's Office regarding submission and publication of material in the Montana Administrative Register and the Administrative Rules of Montana by establishing a tracking system to ensure that rule notices and replacement pages for the Administrative Rules of Montana are submitted according to deadlines supplied by the Secretary of State's Office.

C. <u>LEGAL RECORDS MANAGEMENT</u>

10%

This position provides a records management function to the Unit to ensure Unit staff have access to accurate, timely, and effective information of legal issues facing the

Department. Maintains the Unit's law library and updates and maintains the Unit's legal forms filing system and brief bank.

- 1. Dockets litigation files and their assignment to attorneys within the unit by entering the information onto cross-reference index cards and an electronic data base.
- Extracts data from condemnation files and inputs into computer data base via Oracle computer program to compute and determine interest owed in condemnation actions using an established formula in instances where both federal participating and federal non-participating interest is a factor.
- Maintains and updates the Unit's brief bank to provide a concise database of legal issues and cases already litigated by cataloging briefs for reference by Division legal staff and other agency personnel.
- 4. Updates and maintains the standard legal form documents, (i.e., condemnation forms, non-condemnation forms, and jury instructions, etc.) used by the agency. This involves editing the forms to ensure they are contextually accurate and that citations conform to the accepted standard as set forth in *A Uniform System of Citation*. The incumbent serves as liaison to the staff attorneys by providing technical assistance concerning the use of the standard legal forms, the formatting, and the preparation of legal documents.

D. <u>OTHER DUTIES</u> <u>05%</u>

This position performs a variety of other duties in support of ongoing Unit operations. This includes ordering warrants related to Department condemnation actions; responding to inquiries and requests for information from the public, other state or federal agencies, and Department employees; reviewing contracts to determine their compliance with state and Department contracting policies and procedures; and coordinating special projects, attending meetings and conferences, and participating in ongoing training and educational programs as directed.

1. The following duties and/or specific tasks listed under section II above are considered "essential functions" because they require specialized expertise and skill and are the primary reasons the job exists (they must be performed by this position with or without accommodations):

The following mental and physical demands are associated with these essential functions:

PHYSICAL

- The majority of the work is performed in a normal office environment
- Infrequent travel (less than 1000 miles a year).
- Sitting at a desk in front of a computer for long periods of time during legislative sessions or times of heavy workloads.
- Ability to lift 20 pounds (reducible loads)

MENTAL

- Ability to analyze and interpret complex legal information,
- Effectively communicates legal information both verbally and in writing;
- Establishes and maintains effective working relationships with Unit staff, other agency personnel, potential witnesses, and the public.
- Ability to work under stressful working conditions when interviewing potentially hostile witnesses, and researching and investigating contentious legal issues.
- Perform under strict timelines

2.	Does this position supervise others? Yes No
	This position does not directly supervise other agency personnel. However, the
	incumbent may help new employees or provide guidance to those with less experience.

Number directly supervised: Position Number(s) of those supervised:

3. Attach an Organizational Chart.

See attached:

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

- Extensive knowledge of legal concepts, theory and practice, legal terminology, legal procedure including the Montana Rules of Civil Procedure and appellate, uniform district court rules and local rules of court.
- Knowledge of specialized research methodologies and practices, investigation strategies, grammar, principles of legal writing, litigation process including departmental operational procedures, principles and practices of bill drafting techniques and the legislative process. Familiarity with the guidelines set forth in the Model Rules and the Montana Administrative Procedure Act.
- Knowledge of legal research methods, investigation strategies and techniques, principles of legal writing, and the ability to analyze and interpret complex documentation of data, locating and utilizing research sources
- Thorough knowledge of records management
- Knowledge of principles and practices of accounting.

SKILLS:

 Advanced skill in the use of a personal computer and related business and legal research software and resources (e.g. LEXIS, West Law, Oracle, etc.).

- Advanced skill in MS Word and Excel including editing, styles, references, indexes, outlines, table of contents and spreadsheet management.
- Interpersonal communication skills in order to extract information from hostile or uncooperative witnesses and diffuse potentially contentious interpersonal conflicts.
- Organizational skills in order to effectively manage multiple assignments, data entry; and the ability to work effectively under strict timelines. Ability to respond to conflicting needs of the attorneys,

Behaviors required to perform these duties:

See MDT Core Behaviors

Education:		
Check the on		

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Check	ation: k the <u>one box</u> indicating minimum edu ay of work:	ıcatio	n requi	rements for this position for a new employee the
П П	No education required High school diploma or equivalent -year related college/voc. training		Relate	ed AA/2-years college/vocational training ed Bachelor's Degree ed Master's degree
Pleas	e specify the acceptable fields of s	tudy	:	
	Acceptable: Paralegal, Law			
Position semin		Six	of those	required (specify): credits must be earned by attending interactive of Montana. Incumbents must earn credits
Check	rience: The the one box indicating minimum wore The the first day of work:	k-rela	ated ex	perience requirements for this position for a new
	No prior experience required 1 year 2 years			3 years 4 years 5 or more years
Othor	r specific experience (optional):			

Proficient in the use of MS-Word, MS-Excel and Adobe Acrobat X-Pro.

Alternative Qualifications: This agency will accept alternative methods of obtaining necessary qualifications.				
V	Yes No			
Alternative qualifications include: Other combinations of education and experience in a legal related field that could provide the knowledge, skills and abilities required for this position will be evaluated on an individual basis.				
SEC	CTION IV – Other Important Job Informa	ntion		
	Fingerprint check	Valid driver's license		

Other information including working conditions such as shifts, lifting requirements, travel or hours.

Other; Describe

• Must be available for occasional overtime work or weekend work.

Background check

SECTION V – Signatures		
Signature indicates this statement is accurate and complete.		
Employee:		
Name: Renée D. Wuertley	Title: Paralegal	
Signature:	Date:	
Immediate Supervisor:		
Name:	Title:	
Signature:	Date:	
Bureau Chief:		
Name:	Title:	
Signature:	Date:	
Unit/District Administrator:		
Name: David L. Ohler	Title: Acting Chief Legal Counsel	
Signature:	Date:	
Department Designee:		
Name: Reneé McDaniel	Title: Acting Chief Human Resources Officer	
Signature:	Date:	